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a game of disassembling the cookie and pleasing the palate as part of an investigation as to what picture will be revealed. No other cookie product is like it and, although others have been made with pictures or designs, none has been constructed with its arrangement of component parts for the specific purpose of entertainment. The invention has taken well known cookie components and arranged them into a structure having a useful function not possessed by any prior art product.

Claim 4 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite as to the wording "the confection, when partially removed at least partially fills in the recesses". This rejection is respectfully traversed.

The amendment makes it clearer that while some confection remains when partially removed, it is removed sufficiently to reveal a three dimensional image, latent until revealed, which was previously covered by the confection. The phrase "at least partially fills" is believed clear because it means that some material is left in the three dimensional recesses. The degree of residue is not important to an understanding that some is left and the image will be visible. The underlying idea being claimed is believed simple and understandable. Should further technical considerations remain following this amendment, the examiner is encouraged to call the undersigned to resolve such formal matters.

Claims 1-13 were rejected under 35 U.S.C. §103(a) as defining an invention which was obvious from Blaschke, *et al.* This rejection is respectfully traversed for the reasons above.

The rejection does not allege that the reference teaches the essence of the invention. It merely indicates that Blaschke, *et al.*, disclose aspects of a cookie with

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creatively combines them to achieve a product that is not only not suggested as such, but which has an unobvious construction and use. Applicants traverse each of the conclusions made in the Office Action leading to the ultimate conclusion of obviousness.

The person of ordinary skill in the art would have no motivation to modify the cookie dough or cookie of Blaschke, *et al.*, to obtain a product of the type claimed. There is simply no motivation provided by the reference or any other prior art to cause one skilled in the art to modify the Blaschke, *et al.*, product in the manner presently claimed by providing a base cake having a three-dimensional image thereon and a layer of confection covering at least a portion of the image, making it a latent image. Without motivation for such combination of changes, the reference cannot be said to render the presently claimed invention obvious in the terms of the statute.

A child is pleased with the anticipation of finding a familiar image, such as of a cartoon, in his food. In the concept of the invention, the familiar image is not sitting right on top as with other cookies, such as those of Blaschke, *et al.* And, Blaschke, *et al.*, doesn't in any way teach or suggest covering up the images it describes. Thus, the provision of both the possibilities of images and icing by Blaschke, *et al.*, teaches nothing of covering up the image – to make it a latent image – so that the icing can be playfully and enjoyably removed to reveal the latent image. The only disclosure of that comes from applicants' very description of their invention.

A child is also pleased with the process of discovery. The invention combines this idea with an added desirable feature of licking a confectionary filler off of a cookie. The invention provides, as a reward, the discovery following the search – the pleasing sight of a familiar image. From the consumer child's standpoint, eating these cookies in the intended manner carries no threat of disciplinary consequences from mere indulgence in a

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kids. Tests indicate that some adults like them too. The idea underlying the invention is truly creative and merits patent protection.

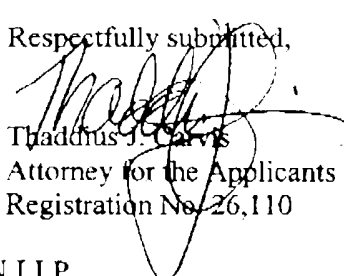
Claims 1-13 were also rejected under 35 U.S.C. §103(a) as defining an invention which was obvious from Pappas, *et al.* This rejection is respectfully traversed for the reasons above, which apply with equal weight here.

Again, the rejection does not even allege that the reference teaches the essence of the invention. The principal features of the invention are asserted to be obvious, but there is no suggestion provided by the prior art to in any way arrive at the invention claimed. Again, the obviousness of putting a design and a confectionary cream on cookie base cakes is all that is shown in the art. The inventive concept and its attendant new advantages and uses are not in any manner taught or suggested by Pappas, *et al.*

Applicant has made a significant improvement in cookie products by providing one that is intentionally entertaining and engaging. Amending the claims as indicated above addresses the principal reason for applying the Blaschke, *et al.*, and Pappas, *et al.*, references against the claims and is consistent with the invention described in the present patent application. Accordingly, reconsideration and allowance of claims 1-13 are believed in order and such actions are earnestly solicited.

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Respectfully submitted,


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Copy of Claims Showing Amendments

1. (Amended) A novelty cookie product comprising a base cake having a[n] three-dimensional image thereon and a layer of confection covering at least a portion of the image, thereby forming a latent image that can be revealed by removing at least a portion of the confection.
4. (Amended) A cookie product according to claim 1 wherein the image on the base cake is formed by rotary molding to have a pattern of lands and recesses such that the confection, when partially removed at least partially fills in the recesses while it is removed from a portion of the image to make the image visible to a consumer.
8. (Amended) A method of making a novelty cookie product comprising baking a base cake having a[n] three-dimensional image thereon and applying thereto, over the image, a layer of confection to cover at least a portion of the image, thereby forming a latent image that can be revealed by removing at least a portion of the confection.